



STATE OF ALABAMA
SURFACE MINING COMMISSION

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit Revision Number: R-7

REVISION TO PERMIT FOR
SURFACE COAL MINING OPERATIONS

Pursuant to the Alabama Surface Mining Control and Reclamation Act, Act No. 81-435, and duly promulgated rules of the Commission, revision is hereby approved for permit:

P- 3966-63-23-S
Southland Resources, Inc.
P.O. Box 770
Cottondale, Al 35453
(Searles Mine No. 8)

License No.: L-652
Pursuant to the
Permit map: 1 of 1
Certified by: Jared P. Johnsey P.E. #33239
Date: 11/15/2021

The permit is revised as follows:

1. Add 5 incidental acres to Increment No. 1 for ancillary road, waterline & pump.
2. Add 6 incidental acres to Increment No. 1 for Primary Road No. 21 and the widening of Primary Road No. 18.
3. Add 29 incidental acres to Increment No. 4 for Slurry Impoundment No.1 and No. 2 (4 acres) and borrow area (25 acres).
4. Transfer 7 incidental acres from Increment No. 1 to Increment No. 6 for Slurry Impoundment No. 3 (2 acres) and borrow area (5 acres).
5. Transfer 4 incidental acres from Increment No. 2 to Increment No. 6 for Slurry Impoundment No. 3 (1 acres) and borrow area (3 acres).
6. Add 0.25 incidental acres to Increment No. 6 for Slurry Impoundment No. 3 (No acreage change).
7. Update the property ownership.
8. Change the post mining landuse of Sediment Basin 001 from Forest to Fish & Wildlife Habitat.
9. Show the actual configuration of Sediment Basin 001 and access road.
10. Change the post mining landuse of 5 acres in Increment No. 2 from Forest to Undeveloped / No Current Use.
11. Modify Coarse Refuse Disposal Area No. 1.
12. Address adding slurry containment pits within the permit area.
13. Modify the Operation Plan.
14. Modify the General Plan.

R-7 Finding 1: The Regulatory Authority has taken into account the effect of the proposed permitting action on properties listed or eligible for listing on the National Register of Historic Places (NRHP). In a letter dated January 20, 2022 MRS Consultants, LLC (MRS) conducted a Phase I Cultural Resource Survey in Tuscaloosa County, Alabama, for approximately 15 acres on November 3, 2021. As a result of these investigations, one historic archaeological site was discovered within the survey area. Designated as Site 1Tu1166, the site is not considered eligible for the NRHP due to paucity of artifacts and extreme disturbances. No other cultural resources are identified in the remaining portions of the survey area. Therefore, no significant archaeological resources will be affected by the proposed undertaking. However, two previously recorded sites in close proximity to the project consist of late 19th to early 20th century coke ovens. Site 1Tu991, as per the AHC, a minimum buffer of 30-meters (100-feet) is recommended to be maintained during earth moving activities associated with this undertaking. Site 1Tu1061 across the road on the southern boundary of the project should have an adequate buffer created by the road. By a letter dated January 28, 2022 the State Historical Preservation Office Re: AHC 21-0196, upon review of the revised resource assessment for the above referenced project, AHC agree with the author's findings. Archaeological site 1Tu1166 lacks integrity and is not eligible for listing on the NRHP. AHC agrees that the proposed project activities will have no effect on historic properties. An avoidance buffer of 100-feet will be maintained around archaeological site 1Tu991 during all earth moving activities associated with the proposed undertaking. If a 100-foot-wide avoidance buffer zone is not feasible, the applicant will notify the AHC. This finding is supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Regulatory Authority has determined that no additional protection measures are necessary. Concerns for unknown resources, which might be discovered during mining, have been made conditions of the permit.

R-7 Finding 2: In a letter dated November 17, 2020 the Alabama Department of Conservation and Natural Resources (ADCNR) states that a biological survey be conducted by trained professionals to ensure that no sensitive species are jeopardized by the development activities. The closest sensitive species are recorded as occurring approximately 5.2 miles from the subject site. In habitat assessments performed by McGehee Engineering Corp (MEC) in November of 2021 and February of 2022, no habitat found for the listed, threatened and endangered species and that no evidence was found or observed for the presence or possible presence of the species with the exception of approximately 5 acres of potential summer roosting habitat for the Indiana bat (*Myotis sodalis*) and Northern Long-eared (NLEB) bat (*Myotis septentrionalis*). MEC stated that tree removal activities would be limited to October 15 – March 31. In the event that timber removal is necessary outside the recommended timber harvesting timeframe of October 15th through March 31st, Cahaba Resources, LLC conduct and get approval of a Presence/Absence Survey prior to any disturbance within the designated potential habitat areas. By comments dated December 7, 2021 the US Fish and Wildlife Service (FWS) acknowledges the permittee has stated that tree removal is only to occur between October 15 and March 31, therefore FWS concurs that no impacts to the Indiana bat and/or NLEB are anticipated as a result of your proposed project. No other federally listed species/critical habitat are known to occur in the project area. By comments dated November 12, 2021 the US Fish and Wildlife Service (FWS) stated, no federally listed species/critical habitat are known to occur in the project area. By a letter dated February 1, 2022 MEC certify that there are no proposed impacts to Waters of the U.S. (WOTUS)

located within the area being added by R-7 to Southland Resources, Inc., P-3966, Searles Mine No. 8. The Alabama Surface Mining Commission finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

R-7 Condition 1: The permittee must maintain a 100 foot buffer zone around archaeological site 1Tu991.

R-7 Condition 2: If the 100 foot buffer around archaeological site 1Tu991 is not feasible, the permittee must contact AHC.

R-7 Condition 3: The permittee can only conduct tree removal from October 15 through March 31 for the acres added by R-7.

R-7 Condition 4: If timber removal is necessary outside the October 15-March 31 timeframe an Indiana bat and Northern Long-eared Bat Presence/Absence Survey and Fish and Wildlife approval must be submitted to ASMC prior to tree removal.

ACREAGE SUMMARY:

*INCREMENT #1: increases to -----	142 acres
*INCREMENT #2: decreases to -----	20 acres
INCREMENT #3: remains at -----	48 acres
INCREMENT #4: increases to -----	29 acres
*INCREMENT #6: increases to -----	57 acres

Total Acreage Increases to	296 Acres
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***BONDED TO DATE**

All other terms and conditions remain in effect as well as all Findings in the original permit and any Findings appropriate for this revision.

SM 2/8/2022
EFFECTIVE DATE: February 8, 2022


Kathy H. Love, Director

/mw
cc: I & E, Permit File